

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS BRAVO,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

22-CV-7478 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action, under 42 U.S.C. § 1983, alleging that he was denied a fair and speedy trial in his federal criminal case, *United States v. Bravo*, No. 18-CR-0283 (GHW) (June 7, 2021).¹ The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this court an identical complaint against Defendant alleging the same facts and asserting the same claims. That case is presently pending before the Honorable Gregory H. Woods of this court under docket number 22-CV-7393 (GHW).² As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 22-CV-7393 (GHW).

¹ Plaintiff filed the complaint without the \$402.00 in fees or a completed application to proceeding *in forma pauperis*, that is, without prepayment of fees, required to file a civil action in this court.

² By order dated September 2, 2022, Judge Woods construed Plaintiff's amended complaint in No. 22-CV-7393 (GHW) as a motion under 28 U.S.C. § 2255, directed Plaintiff to either notify the court in writing if he wishes to withdraw the motion, or, if he chooses not to withdraw the motion, file a declaration showing why the motion should not be dismissed as time barred. ECF 1:22-CV-7393, 4. On September 9, 2022, Plaintiff filed a declaration arguing that the motion should not be dismissed as time-barred. 1:22-CV-7393, 5.

CONCLUSION

The Court dismisses Plaintiff's complaint as duplicative of the complaint filed in No. 22-CV-7393 (GHW).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: September 20, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge